

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NEIL KITCHEN,

Plaintiff,

-vs-

Case No: 2:17-cv-12804

HURON AND EASTERN RAILWAY
COMPANY, INC.,

Defendant.

COMPLAINT

NOW COMES Plaintiff, by and through counsel undersigned, O'BRYAN BAUN KARAMANIAN, complaining against Defendant as follows:

1. Jurisdiction and venue lie in this action, Defendant conducting business within this forum's boundaries.

2. Jurisdiction is founded under the Federal Employers' Liability Act (FELA) (45 USC 51, *et seq.*), based on violation of the safe place to work doctrine.

3. At all times material to issues herein Plaintiff served as an employee of the Defendant common carrier by rail, with all acts and/or omissions giving rise to this action occurring in the course of Plaintiff's employment.

4. On or about January 7, 2017, Plaintiff was in the course of his employment when he tripped over a head left on the floor next to the wash tank and hit his head on the floor and wrenched his back because of said failure to provide a safe to work.

5. Defendant's tortuous acts aforesaid caused or contribute to Plaintiff's damages, *inter alia*, as follows:

a. Pain and suffering, past future;

- b. Mortification, humiliation, fright shock and embarrassment;
- c. Loss of earnings and earning capacity or power;
- d. Hospital, pharmaceutical and other cure expenses;
- e. Aggravation of prior condition, if any there be;
- f. Inability to engage in social, recreational, and other pursuits previously enjoyed;
- g. Mental anguish.

WHEREFORE, Plaintiff demands trial by jury and judgment against Defendant, together with interest, costs, attorney fees and expenses, all to be methodically adjusted upwards during the pendency of this cause.

Respectfully submitted,

O'BRYAN BAUN KARAMANIAN

/s/ Dennis M. O'Bryan

DENNIS M. O'BRYAN (P30545)

Attorneys for Plaintiff

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Dated: August 25, 2017

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Case No: 2:17-cv-12804

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COMPANY, INC.,

Defendant.

DEMAND FOR TRIAL BY JURY

NOW COMES Plaintiff by and through counsel undersigned, O'BRYAN BAUN KARAMANIAN, and hereby demands trial by jury in the above-referenced cause of action.

Respectfully submitted,

O'BRYAN BAUN KARAMANIAN

/s/ Dennis M. O'Bryan

DENNIS M. O'BRYAN (P30545)

Attorneys for Plaintiff

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Dated: August 25, 2017